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| 15866 U.S. PTO 101305 | FORM PTO-1390 (REV. 2-2005) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | ATTORNEY'S DOCKET NUMBER 8932-1191-999 |
| | TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | | U.S. APPLICATION NO. (if known, see 37CFR 1.5) 10/553495 |
| INTERNATIONAL APPLICATION NO. PCT/CH2003/000247 | | INTERNATIONAL FILING DATE April 14, 2003 | | PRIORITY DATE CLAIMED April 14, 2003 |
| TITLE OF INVENTION INTERVERTEBRAL IMPLANT | | | | |
| APPLICANT(S) FOR DO/EO/US Daniel Baumgartner et al. | | | | |
| Applicants herewith submit to the United States Designated/ Elected Office (DO/EO/US) the following items and other information: | | | | |
| 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. | | | | |
| 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. | | | | |
| 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. | | | | |
| 4. <input checked="" type="checkbox"/> The U.S. has been elected (Article 31). | | | | |
| 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)). | | | | |
| a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). | | | | |
| b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. | | | | |
| c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) | | | | |
| 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). | | | | |
| a. <input type="checkbox"/> is attached hereto. | | | | |
| b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). | | | | |
| 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) | | | | |
| a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). | | | | |
| b. <input checked="" type="checkbox"/> have been communicated by the International Bureau. | | | | |
| c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. | | | | |
| d. <input type="checkbox"/> have not been made and will not be made. | | | | |
| 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). | | | | |
| 9. <input checked="" type="checkbox"/> An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). | | | | |
| 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | | | |
| Items 11 to 20 below concern document(s) or information included: | | | | |
| 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98, a List Of References Cited, and copies of 3 foreign references. | | | | |
| 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. | | | | |
| 13. <input type="checkbox"/> A preliminary amendment. | | | | |
| 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. | | | | |
| 15. <input type="checkbox"/> A substitute specification. | | | | |
| 16. <input type="checkbox"/> A power of attorney and/or change of address letter. | | | | |

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| US APPLICATION NO. (US known, see 37 CFR 1.51) 10/553495 | INTERNATIONAL APPLICATION NO. PCT/CH2003/000247 | ATTORNEY'S DOCKET NUMBER 8932-1191-999 |
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17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 37 CFR 1.821- 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: (1) International Preliminary Examination Report under PCT Article 36 (in German) and Article 34 Amendments annexed thereto; and
(2) International Search Report

21. The following fees are submitted:

BASIC NATIONAL FEE:

- ☒ a) Basic national fee..... **\$300.00**
- ☒ b) Examination fee.....
- Was the International Preliminary Examination Report prepared by the USPTO and do all filed claims in this U.S. application satisfy provisions of PCT Article 33(1)-(4) (i.e., novelty, inventive step and industrial capability)?.....
- ☐ i) Yes (\$100.00).....
- ☒ ii) No (\$200.00)..... **\$200.00**
- ☒ c) Search fee.....
- Was the USPTO the International Searching Authority?
- ☐ i) Yes (\$100.00)
- ii) If no:
- ☒ (a) An International Search Report will be provided to the USPTO on or before payment of the search fee. (\$400.00)..... **\$400.00**
- ☐ (b) No International Search Report will be provided to the USPTO. (\$500.00).....

TOTAL OF CALCULATIONS

= **\$900.00**

- ☐ Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing of computer programs listing filed in electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number). | RATE |
|--------------|--------------|--|----------|
| 21 - 100 | 0 / 50 | | x 250.00 |

= \$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

= \$0.00

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE X |
|--------------------|--------------|--------------|------------|
| Total Claims | 33 - 20 | 13 | x \$50.00 |
| Independent Claims | 1 - 3 | 0 | x \$200.00 |

= \$650.00

= \$0.00

- ☐ MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$360.00

= \$0.00

TOTAL OF ABOVE CALCULATIONS

= **\$1,550.00**

- ☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 50%

= \$0.00

SUBTOTAL

= **\$1,550.00**

Surcharge of \$130.00 for furnishing the English Translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

= \$0.00

TOTAL NATIONAL FEE

= **\$1,550.00**

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| US APPLICATION NO. 10/553495 | INTERNATIONAL APPLICATION NO. PCT/CH2003/000247 | ATTORNEY'S DOCKET NUMBER 8932-1191-999 |
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| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 0 x \$40.00 per property | | \$0.00 | |
| TOTAL FEES ENCLOSED | = | \$1,550.00 | |
| | Amount to be refunded: | | |
| | charged: | | |

a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.

b. ☒ This is an estimate of the fees due. Please charge the required fees to **Deposit Account No. 50-3013**. A copy of this sheet is enclosed.

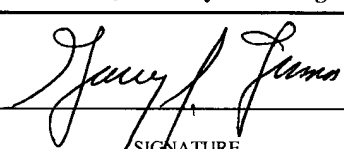
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account No. 50-3013**. A copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.

22. ☐ Other instructions

23. ☒ All correspondence for this application should be mailed to **JONES DAY** Customer No. 51832

24. ☒ All telephone inquiries should be made to **Jones Day Docketing at 212-901-9028**.

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|----------------------|--|------------------|-------------------------|
| Garry J. Tuma |  | 40,210 | October 13, 2005 |
| NAME | SIGNATURE | REGISTRATION NO. | DATE |